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PART IV

Section 1-A

BILLS INTRODUCED IN THE CENTRAL LEGISLATURE WHICH IF ENACTED WILL APPLY TO MYSORE AND THE REPORTS OF SELECT COMMITTEES, IF ANY, THEREON.

NOTIFICATION.

No. L.D. 1213—Legis. 3-50-6, dated Bangalore, 29th July 1950.

Ordered that the accompanying Marking of Heavy Packages Bill 1950, (39 of 1950) published in the *Gazette of India*, Part II—Section 2, dated the 15th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

PARLIAMENT SECRETARIAT.

NOTIFICATION

New Delhi, the 11th July 1950.

No. F. 152-I/50-L.—Under Rule 55 of the Rules of Procedure and Conduct of Business in Parliament, the Speaker has been pleased to order the publication in the *Gazette of India* of the following Bill, together with the Statement of Objects and Reasons relating thereto, and the Bill and the Statement of Objects and Reasons are accordingly published for general information :—

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BILL No. 39 OF 1950.

A Bill to give effect to the International Convention drawn up in Geneva on the 30th day of May, 1929, for the marking of weight on heavy packages transported by sea or inland water-ways.

BE it enacted by Parliament as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Marking of Heavy Packages Act, 1950.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "heavy package" means a package or other object weighing not less than one metric ton, which is equal to one thousand kilogrammes or 2204·6 standard pounds or 26·8 standard maunds ;

(b) "inland water-way" means any canal, river, lake or other navigable water in India.

3. *Obligation to mark weight on heavy packages.*—Every person consigning a heavy package for transport by sea or inland water-way from any place in India shall have marked thereon plainly and conspicuously the gross weight of the package.

4. *Penalty.*—(1) If any person contravenes the provisions of section 3, he shall be punishable with fine which may extend to five hundred rupees.

(2) If the person contravening the said provisions is a company or other body corporate, every director, manager or secretary thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

5. *Power to make rules.*—The Central Government may, by notification in the Official Gazette, make rules—

(a) specifying the conditions as to the manner of marking of all heavy packages, the manner of packing and the type of covering to be used ;

(b) specifying the circumstances in which the approximate weight of heavy packages instead of their correct weight may be stated.

STATEMENT OF OBJECTS AND REASONS.

The Convention concerning the Marking of the Weight on Heavy Packages transported by Vessels adopted by the International Labour Conference in 1929 has been ratified by India. The Convention requires that any package or object of one thousand kilogrammes (one metric ton) or more gross weight consigned within the territory of any Member country for transport by sea or inland water-way should have its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel. This will prevent heavy unmarked packages from being lifted by mechanical means which are intended for smaller loads. The purpose of the Bill is to give effect to the Convention in India.

SRI PRAKASA.

NEW DELHI,

The 17th June 1950.

M. N. KAUL, *Secretary.*

Printed by the Director of Printing, Stationery and Publications
at the Government Press, Bangalore.

PART IV

Section I-C 864

NOTIFICATIONS, RULES, ORDERS, ETC., ISSUED UNDER CENTRAL ACTS AND ORDINANCES WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. 7204—C.B. 168-50-1, dated Bangalore, the 7th August 1950.

The following Notification No. 10-8-50—Judicial, dated 1st August 1950, by the Ministry of Home Affairs, Government of India, is republished for information :—

"In exercise of the powers conferred by clause (1) of Article 217 of the Constitution, the President is pleased to appoint Sri Baily Vasudeva Murthy, B.A., LL.B., at present Advocate-General, Mysore State, to be a Judge of the Mysore High Court, with effect from the date he assumes charge of his office.

(Sd.) E. C. GAYNOR,
Deputy Secretary to the Government of India.

By Order of His Highness the Maharaja.

(HOME DEPARTMENT).

No. H. 4391—Pol. 86-50-5, dated Bangalore, the 8th August 1950.

The following Notification No. 9/101/49—Police (1), dated 29th July 1950 of the Government of India, Ministry of Home Affairs, is published for general information.

* * *

In exercise of the powers conferred by Section 17 of the Indian Arms Act, 1878 (XI of 1878), the Central Government is pleased to direct that the following further amendments shall be made in the Indian Arms Rules, 1924, namely :—

In Rule 7 of the said rules,
clause (*b*) of sub-rule (1) and sub-rule (2) shall be omitted.

* * *

By Order of His Highness the Maharaja,

K. SRINIVASAN,
Chief Secretary to Government.

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No. L.D. 1214—Legis. 6-50-25, dated Bangalore, 29th July 1950.

Ordered that the accompanying Notification No. S.R.O. 225 dated 8th July 1950, of the Ministry of Commerce, under the Indian Tea Control Act, 1938, published in the *Gazette of India*, Part II, Section 3, dated the 8th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja.

MINISTRY OF COMMERCE

TEA CONTROL.

New Delhi, the 8th July 1950.

S.R.O. 225.—In exercise of the powers conferred by the proviso to section 13 of the Indian Tea Control Act, 1938 (VIII of 1938), the Central Government is pleased to alter the Indian export allotment of tea for the financial year 1950-51, as declared in the notification of the Government of India in the Ministry of Commerce, No. 202 (1) Law (Tea)/50, dated the 27th May 1950, to 452, 720, 021 pounds avoirdupois, being one hundred and thirty per cent, of India's standard export figure.

[202(1) Law (Tea)/50.]

M. A. MULKY, Dy. Secy.

No. L.D. 1215—Legis. 4-50-34, dated Bangalore, 29th July 1950.

Ordered that the accompanying Notification No. S.R.O. 224 dated 8th July 1950, of the Ministry of Commerce, further amending the Indian Tea Control Rules, 1938, published in the *Gazette of India*, Part II, Section 3, dated the 8th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja.

MINISTRY OF COMMERCE

TEA CONTROL.

New Delhi, the 8th July 1950.

S.R.O. 224.—In exercise of the powers conferred by section 23 of the Indian Tea Control Act, 1938 (VIII of 1938), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Tea Control Rules, 1938, namely :—

For clause (*c*) of rule 4 of the said Rules, the following clause shall be substituted, namely :—

"(c) Where tea areas are replaced in pursuance of clause (b) of the proviso to section 26 or where permission to plant tea on land not

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previously planted with tea is granted under section 29 of the Act, no addition to crop basis under this rule shall be made in respect of the area concerned."

[217(1)-Law (Tea)/50]

M. A. MULKY, Dy. Secy.

No. L.D. 1216—Legis. 4-50-35, Bangalore, dated 29th July 1950.

Ordered that the accompanying Notification No. S.R.O. 235, dated 19th June 1950 of the Ministry of Rehabilitation, further amending the Permit System Rules, 1949, published in the *Gazette of India*, Part II, Section 3, dated the 8th July 1950, be republished in the *Mysore Gazette*, for general, information.

By Order of His Highness the Maharaja.

MINISTRY OF REHABILITATION.

New Delhi, the 19th June 1950.

S.R.O. 235.—In exercise of the powers conferred by section 4 of the Influx from Pakistan (Control) Act, 1949 (XXIII of 1949), the Central Government is pleased to direct that the following further amendments shall be made in the Permit System Rules, 1949, namely :—

I. In the said Rules—

(1) For sub-clause (a) of clause V of rule 2, the following shall be substituted, namely :—

"(a) In the Presidency-towns of Greater Bombay, Madras, and Calcutta, the Commissioner of Police and a Deputy Commissioner of Police".

(2) For rule 9, the following rule shall be substituted, namely :—

"9. In the case of a permit for temporary visit, only the place which the applicant wants to visit first shall be shown in the permit. The permit holder shall, within 24 hours of his arrival in India, report to the Police Station having jurisdiction over the area where the place of visit mentioned in his permit is situated and shall also report to the same Police Station at least 24 hours before he finally leaves that Station *en route* to Pakistan. If the permit holder is permitted, under rule 26, by the Superintendent of Police of the District which he is permitted to visit, to visit any other place, he shall similarly report his arrival at, and departure from that place, to the nearest Police Station. The Superintendent of Police who permits a temporary permit holder to visit any place other than that specified in the permit, shall send an intimation of such visit to the Superintendent of Police of the place which the permit holder is permitted to visit".

II. In Appendix III to the said Rules, in Part I, for the existing conditions, the following conditions shall be substituted, namely :—

"*CONDITIONS*

1. (a) The permit holder must proceed and return *via*..... ..... check post direct to and from the place of visit in India stated in the permit.

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(b) The permit holder shall, within 24 hours of his arrival in India, report to the Police Station having jurisdiction over the area where the place of visit mentioned in his permit is situated and shall also report to the same Police Station atleast 24 hours before he finally leaves that station *en route* to Pakistan (*vide* Rule No. 9).

2. If the permit holder wishes to visit other places in India, he should obtain permission of the Superintendent of Police of the place first visited and thereafter intimate his arrival and departure to each place visited, to the nearest Police Station (*vide* Rules 9 and 26).

3. At the time of re-entry into Pakistan, this permit should be surrendered to the Indian check post (*vide* Rule No. 18)."

[No. III/PMT (X)-13/50-N-9.]

V. D. DANTYAGI,
Jt. Secretary.

No. L.D. 1217—Legis. 4-50-86, Bangalore, dated 29th July 1950.

Ordered that the accompanying S.R.O. 237, dated 4th July 1950 of the Ministry of Communications, further amending the Indian Telegraph Rules, 1932, published in the *Gazette of India*, Part II, Section 3, dated the 8th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

MINISTRY OF COMMUNICATIONS.

POSTS AND TELEGRAPHS.

New Delhi, the 4th July 1950.

S.R.O. 237.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Telegraph Rules, 1932, namely :—

In the said Rules, rules 52, 53, 53-A and 54 shall be omitted.

[T-37/50.]

A. PAI,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

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No. L.D. 1255—Legis. 4-50-37, dated Bangalore, the 8th August 1950.

Ordered that the accompanying Representation of the People (Preparation of Electoral Rolls) Rules, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 26th July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 26th July, 1950.

S.R.O. 306.—In exercise of the powers conferred by section 28 of the Representation of the People Act, 1950 (XLIII of 1950), the Central Government, after consulting the Election Commission, is pleased to make the following Rules, namely :—

THE REPRESENTATION OF THE PEOPLE (PREPARATION OF ELECTORAL ROLLS) RULES, 1950.

PART I

PRELIMINARY

1. *Short title and commencement.*—(1) These Rules may be called the Representation of the People (Preparation of Electoral Rolls) Rules, 1950.

(2) They shall come into force at once.

2. *Definitions.*—In these Rules, unless the context otherwise requires—

(*a*) "Act" means the Representation of the People Act, 1950;

(*b*) "Chief Electoral Officer" means the officer appointed by the State Government to perform the functions of a Chief Electoral Officer under these rules;

(*c*) "Constituency" means a Parliamentary constituency, an Assembly constituency or a Council constituency;

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(*d*) "Form" means a form appended to these rules and includes any translations thereof in any language specified in the Eighth Schedule to the Constitution;

(*e*) "Revising Authority" means such person or persons as the State Government or an officer appointed by them in that behalf may, subject to any general or special instructions issued by the Election Commission, appoint in writing to perform all or any of the functions of the Revising Authority under these rules in respect of a constituency or part of a constituency.

PART II

Preparation of Electoral Rolls

3. *Electoral roll.*—There shall be prepared for every constituency an electoral roll in which shall be included the names of all persons appearing to be entitled to be registered therein. It shall be published in the constituency together with a notice specifying the mode in which and the time within which claims for inclusion in the roll or objections to any names or particulars entered in the roll are to be preferred.

4. *General conditions for registration in the electoral roll.*—Every person shall be entitled to have his name included in the electoral roll for a constituency if he is entitled to be registered in such roll under the provisions of the Act.

5. *Notice inviting statements under section 20 of the Act.*—(1) In the case of an electoral roll first prepared under the Act, the Chief Electoral Officer for the State shall, as soon as may be after the commencement of these rules, and in the case of every electoral roll subsequently prepared under the Act, the Chief Electoral Officer for the State shall, before the preparation of such roll is taken in hand, cause a notice in Form I to be published inviting every person who—

(i) is a member of the Armed Forces of the Union, or

(ii) is holding any such office as is referred to in sub-section (4) of section 20 of the Act, or

(iii) is employed under the Government of India in a post outside India,

and desires to be registered in the electoral roll for the constituency in that State in which, but for his service in the Armed Forces or but for the holding of any such office or employment, as the case may be, he would have been ordinarily resident during the qualifying period or on the qualifying date, to submit the statement referred to in sub-section (5) of that section to the Electoral Registration Officer of the said constituency within the time to be specified in that behalf in the notice. Every such statement shall be in Form II and shall be verified in the manner specified in the Form.

(2) As soon as may be after the commencement of these rules, the Chief Electoral Officer shall, for the purpose of the preparation of the electoral rolls to be first prepared under the Act, cause a notice in Form III to be published inviting every person referred to in sub-section (7) of section 20 of the Act who desires to be registered in the electoral roll for any constituency other than the constituency in which he was resident on the twenty-fifth day of July, 1949, to submit to the Electoral Registration Officer of the constituency in the

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State in which he desires to be registered within the time to be specified in that behalf in the notice a statement in Form IV specifying the constituency in the State in which he so desires to be registered.

(3) Every notice issued under sub-rule (1) or sub-rule (2) shall be published in such manner and at such place as the Election Commission may direct, and the time to be specified in the notice within which the statement is to be submitted shall not be less than twenty-one days from the publication of the notice.

6. *Form and language of electoral roll.*—The electoral roll for each constituency shall be prepared in such form and in such language or languages as the Election Commission may direct.

7. *Division of constituency into electoral areas.*—The Electoral Registration Officer may divide a constituency into electoral areas for the purpose of facilitating the preparation of the electoral roll for the constituency, and so much of the roll as relates to an electoral area may be separately prepared.

8. *Information from, and access to, birth and death registers for the purpose of registration of electors and decision of claims and objections.*—For the purpose of the preparation of any electoral roll, or for the determination of any claim or objection to any electoral roll, an Electoral Registration Officer, a person employed by him under sub-section (2) of section 22 of the Act, and any Revising Authority shall have access to any register of births and deaths maintained under any law for the time being in force, and it shall be the duty of every person in charge of any such register to give to the said officer, person or authority such information and such extracts from the said register as he may require.

9. *Publication of draft electoral rolls.*—The electoral roll for every constituency shall be published by the Electoral Registration Officer at such place and in such manner as the Election Commission may direct.

10. *Notice inviting claims and objections.*—(1) Simultaneously with the publication of the electoral roll under rule 9, a notice shall be published in like manner in Form V, calling upon persons entered in the roll to lodge in the manner herein prescribed any objection they may have to make to the roll as published and calling upon persons claiming to be entered on the roll to lodge their claim in the manner herein prescribed. Such notice shall specify for each constituency or electoral area the Revising Authority to whom and the place at which and the time referred to in sub-rule (2) within which any such claim or objection may be preferred.

(2) Every such claim or objection shall be made in Form VI, Form VII or Form VIII, whichever may be appropriate, within a period of 21 days from the date of the publication of the electoral roll under rule 9:

Provided that the Election Commission may, in the case of persons to whom the provisions of sub-section (7) of section 20 of the Act apply, by notification in the Official Gazette, extend in respect of any constituency or part of a constituency the said period of 21 days by such period as it may deem fit.

(3) A claim or objection shall be addressed to the Revising Authority and shall either be presented to the Revising Authority specified in the notice referred to in sub-rule (1), or to the Electoral Registration Officer or to such other officer as may be designated in that behalf by the Election Commission within the period specified in or under sub-rule (2) or be sent by post to the Revising Authority so as to reach him within the said period.

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(4) A claim or objection which is not lodged within the period specified in or under sub-rule (2), or is lodged otherwise than in the manner herein prescribed or by a person not entitled to lodge the same, shall be rejected.

11. *Particulars regarding claims and objections.*—(1) A claim shall be signed either by the person desiring his name to be included in an electoral roll or by an agent authorised in writing by such person and, unless it is sent by post, shall be presented either by such person personally or by such agent.

(2) When objection is made to the inclusion in the electoral roll of any person whose name appears therein, or to any particular in any entry in the roll, such objection shall contain in respect of such person or entry, as the case may be, all the particulars entered in the roll.

(3) No person shall prefer an objection to the inclusion of any name in the electoral roll for a constituency unless his name is already included in the electoral roll for that constituency.

(4) No application for the transfer of a name from the electoral roll of one constituency to that of another constituency shall be entertained. If any person desires such a transfer, he shall prefer an objection to the inclusion of his name in the former roll, and a second and a separate claim for the registration of his name in the latter roll.

(5) When a claim is preferred by a member of the Armed Forces of the Union or by any person holding any office in India declared by the President to be an office to which the provisions of sub-section (4) of section 20 of the Act apply or by any person who is employed under the Government of India in a post outside India, for the registration of his name or that of his wife in the electoral roll for a constituency in which but for his service in the Armed Forces or but for his holding of any such office or employment, as the case may be, he would have been ordinarily resident during the qualifying period or on the qualifying date, it shall be accompanied by a statement in Form II signed and verified by the claimant himself.

(6) When a claim is preferred by any such person as is referred to in sub-section (7) of section 20 of the Act desiring to be registered in the electoral roll for any constituency other than the constituency in which he was resident on the twenty-fifth day of July, 1949, it shall be accompanied by a statement in Form IV signed by himself.

12. *Claims by Electoral Registration Officer.*—(1) The Electoral Registration Officer may, within the period specified in or under sub-rule (2) or rule 10, make an application to the Revising Authority specified in the notice referred to in sub-rule (1) of that rule for the inclusion in or the exclusion from the electoral roll of the names of any persons to whom the provisions of sub-section (3), sub-section (4), sub-section (6) or sub-section (7) of section 20 of the Act apply.

(2) The Electoral Registration Officer shall, within the period specified in or under sub-rule (2) of rule 10, make an application to the Revising Authority specified in the notice referred to in sub-rule (1) of that rule for the making of any corrections in the electoral roll—such as, the removal of duplicate entries or the expunging of the names of persons who are dead or subject to any legal incapacity—which he considers necessary for the preparation of a complete and accurate roll.

(3) The Revising Authority shall serve on each of the persons affected by the application made under sub-rule (1) or sub-rule (2), a notice specifying in

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the case of an application under sub-rule (1) the grounds on which the inclusion or exclusion of the name has been desired, and specifying in the case of an application under sub-rule (2) the correction which it is proposed to make in the roll and every such notice shall also specify the place where, and the time when, objections to the application so made will be heard :

Provided that no such notice shall be served where the Revising Authority is *prima facie* satisfied that the application should be granted, or where the application is one for the correction of a clerical or a printing error.

13. *Register of claims and objections.*—A register of claims and objections shall be maintained by the Revising Authorities, the Electoral Registration Officers and other officers authorised to receive claims and objections under sub-rule (3) of rule 10.

14. *Notice of claims or objections.*—(1) Except in the case where the Revising Authority is *prima facie* satisfied as to the validity of a claim, every person whose claim or objection is received in time shall be served with a notice in Form IX by the Revising Authority, specifying the place where, and the time when, his claim or objection will be heard and directing him or his agent to be present with such evidence as he may wish to adduce.

(2) When objection is made by any person to the inclusion of the name of any other person in an electoral roll, the Revising Authority shall, except in the case where such authority is *prima facie* satisfied as to the validity of the objection, serve on such other person a notice in Form X giving the grounds on which the inclusion of his name has been objected to, and requiring such person or the agent of such person to attend at the place and the time fixed for the hearing of the objection.

15. *Transfer of claims and objections.*—Subject to such instructions as may from time to time be issued in this behalf by the Election Commission, a Revising Authority to whom any claim or objection has been preferred or before whom any claim or objection is pending for disposal, may transfer such claim or objection for disposal to any other Revising Authority competent to perform such duties and having jurisdiction in the electoral area to which the electoral roll in respect of which such claim or objection has been preferred relates, and the Revising Authority to whom any claim or objection has been so transferred shall proceed in accordance with the provisions of these rules and dispose of such claim or objection.

16. *Service of notice.*—Every notice issued by the Revising Authority shall, if possible, be served personally, and in default of personal service, shall be served by registered post or by affixing a copy thereof at the residence or the last known residence within the constituency of the person concerned. A certificate of service, either personal or otherwise, shall be deemed to be conclusive proof of the fact of such service.

17. *Inquiry into claims and objections by the Revising Authority.*—The Revising Authority shall hold a summary inquiry into the claim or objection preferred and shall record his decision. He shall also, after considering any verbal or written objections that may be preferred, decide on any application made by the Electoral Registration Officer under sub-rule (1) or sub-rule (2) of rule 12 for the inclusion or exclusion of any name in or from the electoral roll or for corrections to the roll. For the purpose of the inquiry the roll as published under rule 9 shall be presumed to be correct.

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18. *Decision of the Revising Authority regarding claims and objections.*—(1) The decisions of the Revising Authority shall be final. Every such decision shall be communicated to the Electoral Registration Officer who shall cause the electoral roll to be amended in accordance therewith.

(2) The Revising Authority shall also direct the Electoral Registration Officer to correct any clerical or printing errors which the Revising Authority may himself discover in the roll. The Electoral Registration Officer or any person employed by him under sub-section (2) of section 22 of the Act may also correct any mis-spelling which he may discover in the electoral roll after the decision of the Revising Authority has been communicated to the Electoral Registration Officer.

19. *Final publication of electoral rolls.*—The electoral roll so amended shall be republished in the manner specified in rule 9 and, where it is an electoral roll first prepared under the Act, shall come into force immediately upon such republication, and, where it is an electoral roll subsequently prepared under the Act, shall come into force on the 1st day of October immediately succeeding such republication :

Provided that if for any reason an electoral roll for any constituency or part of a constituency is in any year not republished before the 1st day of October next after the qualifying date by reference to which that roll is prepared, the electoral roll shall come into force immediately upon its republication.

20. *Revision of electoral rolls after final publication in special cases.*—(1) When the Election Commission directs the revision of the electoral roll of any constituency under clause (a) of section 25 of the Act, the roll shall be revised by the preparation of a list containing additions to, omissions from, or alterations in, such roll, and all the provisions of these rules shall apply in the case of every such list in like manner as they apply in the case of electoral rolls :

Provided that the Election Commission may direct such modification in any of the prescribed Forms as it may consider necessary for the purpose of such revision.

(2) Any person whose name is not included in the electoral roll of a constituency for the time being in force and who is entitled to be registered therein may, at any time after the roll is finally published and before the constituency is called upon to elect, apply to the Election Commission for an amendment of the roll by the inclusion of his name therein, and if the Election Commission is satisfied, after such notice and such inquiry as it thinks fit, that the applicant is entitled to be registered therein, the Election Commission may direct the amendment of the electoral roll by inclusion therein of an entry relating to the applicant :

Provided that an application under this sub-rule shall not be entertained if it is not accompanied by a fee of rupees fifty, which shall in no case be refunded.

(3) When any list is republished under sub-rule (1) or a direction is issued under sub-rule (2), the electoral roll to which such list or direction relates shall be deemed to have been revised accordingly.

21. *Striking off of names of persons disqualified for voting and reinstatement of such names after removal of such disqualification.*—(1) If the

disqualification for voting incurred by any person whose name has by reason thereof been struck off the electoral roll under sub-section (2) of section 16 of the Act be removed during the period the said electoral roll is in force under section 24 of the Act, the name of such person shall forthwith be reinstated in that electoral roll.

(2) The Electoral Registration Officer shall make the correction referred to in sub-section (2) of section 16 of the Act or the reinstatement referred to in sub-rule (1) in such number of copies of the electoral roll in his custody as may be specified under sub-rule (3) of rule 24, and shall also in every case cause such correction or reinstatement to be made forthwith in all other copies. Every correction or reinstatement so made or caused to be made in an electoral roll shall be initialled and dated by the person who makes the correction or reinstatement, and the electoral roll in which such correction or reinstatement is made shall thereupon be deemed to have been amended accordingly.

22. *Annual preparation of electoral rolls.*—(1) After the electoral rolls first prepared under the Act have been republished under rule 19, the Election Commission may, for the purpose of any subsequent annual preparation of the electoral roll for any constituency under section 23 of the Act, direct the preparation of a list of amendments to the electoral roll for such constituency for the time being in force for its publication under rule 9, and the provisions of rules 3 to 8 (both inclusive) shall so far as they are applicable apply in the case of such preparation of the list in like manner as they apply in the case of the preparation of electoral rolls.

(2) When any such list of amendments to an electoral roll for a constituency has been so prepared, the electoral roll for such constituency for the time being in force together with the list of amendments thereto so prepared shall be published under rule 9 and shall be deemed to be the electoral roll prepared for that constituency, and the provisions of rules 10 to 19 (both inclusive) shall so far they are applicable apply in the case of every such roll (including the list of amendments) in like manner as they apply in the case of electoral rolls first prepared under the Act.

(3) When a list of amendments is prepared for any constituency under the foregoing provisions of this rule, it shall not be necessary to reprint the entire roll but the list of amendments only need be printed.

Provided that the Election Commission may, if it deems it expedient so to do, direct that the entire roll along with the list of amendments shall be printed as a single roll.

23. *Simultaneous preparation of electoral rolls for Parliamentary and Assembly constituencies.*—(1) It shall be lawful to combine the preparation and publication of electoral rolls for the Parliamentary constituencies and the Assembly constituencies in the same State.

(2) Where any addition, omission, alteration or other amendment is made under the Act or these Rules in the electoral roll of an Assembly constituency or a Parliamentary constituency, a similar amendment shall be made in the corresponding electoral roll of a Parliamentary constituency or an Assembly constituency, as the case may be,

PART III

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CUSTODY AND PRESERVATION OF ELECTORAL ROLLS AND OTHER ELECTION PAPERS CONNECTED THEREWITH

24. *Custody and preservation of electoral rolls, etc.*—(1) Three complete copies of the preliminary electoral roll for each constituency and all statements submitted to the Electoral Registration Officer under rule 5 shall be kept in the office of the Electoral Registration Officer of the constituency, or at such other place as the State Government may by order specify for a period of one year unless their retention for a longer period is ordered by the State Government.

(2) All claims and objections to any preliminary electoral roll and the decisions of the Revising Authority thereon shall be kept in the office of the Electoral Registration Officer of the constituency to which such roll relates or at such other place as the State Government may by order specify until the completion of the next annual preparation of the electoral roll for such constituency.

(3) Such number of copies of the final electoral roll for each constituency as may be specified by the State Government shall be kept in the office of the Electoral Registration Officer of the constituency to which such roll relates or at such other place as the said Government may by order specify until the final publication of the next electoral roll for such constituency.

(4) One complete copy of the final electoral roll for each constituency shall be kept for permanent deposit in such place as the State Government may by order specify.

(5) All copies of the final electoral roll for each constituency deposited under sub-rule (3) or the copy of the final electoral roll for each constituency deposited under sub-rule (4) shall before deposit be duly authenticated by the Electoral Registration Officer of such constituency.

(6) Printed copies of the final electoral roll for any constituency in excess of the number required for preservation under sub-rules (3) and (4) shall be deposited in such place as the State Government may direct. Spare copies of the electoral roll so deposited shall be available for sale to the public until the final publication of the next electoral roll for the constituency to which it relates and thereafter such rolls may be disposed of in such manner as the authority with whom they are deposited may direct.

(7) Every person shall have a right to inspect the election papers referred to in sub-rules (1), (2) and (3) and to get attested copies thereof on payment of such fees as may be fixed by the State Government.

FORM I

NOTICE

(Rule 5) 876

For the purpose of preparation of the electoral rolls for the Parliamentary constituencies, the Assembly constituencies and the Council constituencies in the State of ..... every person who is a member of the Armed Forces of the Union or is holding any office in India declared by the President to be an office to which the provisions of sub-section (1) of section 20 of the Representation of the People Act, 1950 (XLIII of 1950), apply or is employed under the Government of India in a post outside India and who desires to be registered in the electoral roll of a constituency in.....State in view of the provisions contained in sub-section (3), or sub-section (4) of the said section, or whose wife desires to be registered in the electoral roll of the said constituency in view of the provisions contained in sub-section (6) of the said section, is invited to submit a statement in Form II through the appropriate officer so as to reach the Electoral Registration Officer of the said constituency not later than the ..... day of .....195 .

.....(Place) Chief Electoral Officer

Dated..... of.....

NOTE.—Copies of Form II will be supplied free by the Chief Electoral Officer or by the Electoral Registration Officer of the constituency concerned on application.

The Representation of the People Act, 1950.

Section 20.—(3) A member of the Armed Forces of the Union while living in any barrack, building or place belonging to, or provided by, the Government shall not be deemed to be ordinarily resident in the constituency within which such barrack, building or place is situate, but shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for his service in the Armed Forces, he would have been ordinarily resident during that period or on that date.

(4) Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, or any person who is employed under the Government of India in a post outside India, shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for the holding of any such office or employment, he would have been ordinarily resident during that period or on that date.

(6) The wife of any such person as is referred to in sub-section (2) or sub-section (4) shall, if she be ordinarily residing with such person during any period, be deemed to be ordinarily resident during that period in the constituency specified by such person under sub-section (5).

FORM II

877

STATEMENT BY A MEMBER OF THE ARMED FORCES OR BY AN OFFICER HOLDING AN OFFICE IN INDIA DECLARED BY THE PRESIDENT TO BE AN OFFICE THE HOLDER OF WHICH WILL BE DEEMED TO BE ORDINARILY RESIDENT IN THE CONSTITUENCY WHERE, BUT FOR THE HOLDING OF SUCH OFFICE, HE WOULD HAVE BEEN ORDINARILY RESIDENT, OR BY A PERSON EMPLOYED UNDER THE GOVERNMENT OF INDIA IN A POST OUTSIDE INDIA.

(*Rules 5 and* 11)

I* ———— son/wife/daughter of————

————— serving in / †holding the office of / employed in ————

declare that, but for my service in the Armed Forces/holding such office/holding such employment, I would ordinarily have resided at No.———— Street————Ward No.———— Town————in village/Ward ———— of‡———— District———— of the State———— ((during §————within the qualifying period, that is, from the 1st day of————19— to the———— day of———— 19—. I also declare that I am a citizen of India, that I was not less than 21 years of age on the qualifying date, that is, the 1st day of March 19 [and that my wife@ ————, who ordinarily resided with me during————within the aforesaid qualifying period is also a citizen of India and was also not less than 21 years of age on the qualifying date, the said 1st day of March 19])) [[on the qualifying date that is, the 1st day of April, 19—. I also declare that I am a citizen of India.]]

The above particulars are true and correct in all respects.

Signature in full.

..... (Place)

Dated.....

((Not for Council constituencies.))

[Strike off if not necessary.]

[[For Council constituencies only.]]

* Here insert full name.

† Here insert the name of Regiment/office/post.

‡ Here insert Taluk, Union, Municipality, Zail, Thana or any other local area.

§ Here enter any period of 180 days within the qualifying period.

@ Here insert full name.

878

VERIFICATION BY THE OFFICER-IN-CHARGE OF THE REGIMENT OR BY THE HEAD OF THE OFFICE OR BY A DIPLOMATIC OR CONSULAR REPRESENTATIVE OF INDIA

I have verified the statement made above and found the same to be correct.

I have satisfied myself that the declarant is a citizen of India under article ——————of the Constitution [and his wife is a citizen of India under article ——————of the Constitution. She also ordinarily resided with the declarant during the period above-mentioned].

Signature and official designation of Officer-in-Charge of the Regiment/Head of the Office/ Diplomatic or Consular Representative.

.....(Place)

Dated.....

[ ] Strike off if not necessary.

NOTE (1).—This statement should be made in duplicate in the case of a member of the Armed Forces of the Union. One copy should be retained in the Regimental Headquarters or the office of the Verifying Officer and the other should be forwarded by the Verifying Officer to the Chief Electoral Officer of the State along with the list of persons eligible to be enrolled in all constituencies within that State.

NOTE (2).—Any person, who makes a false declaration, or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I.P.C.

The Representation of the People Act, 1950.

Section 21.—Meaning of "qualifying date" and "qualifying period".—For the purpose of this Part, the qualifying date and the qualifying period,—

(*a*) in the case of electoral rolls first prepared under this Act shall be the 1st day of March, 1950, and the period beginning on the 1st day of April, 1947, and ending on the 31st day of December, 1949, respectively; and

(*b*) in the case of every electoral roll subsequently prepared under this Act, shall be the 1st day of March of the year in which it is prepared, and the year immediately preceding that year, respectively.

FORM III

NOTICE

(*Rule 5*) 8479

For the purpose of preparation of the electoral rolls for the Parliamentary constituencies, Assembly constituencies and Council constituencies, in the State of.....every person who is a citizen of India and has migrated from the territory of Pakistan into the territory of India before the 25th day of July 1949, on account of disturbances or fear of disturbances in his former place of residence and who desires to be registered in the electoral roll for a constituency in ..... State other than the constituency in which he was resident on the said date in accordance with the provision contained in sub-section (7) of section 20 of the Representation of the People Act, 1950 (XLIII of 1950), is invited to submit a statement in Form IV to the Electoral Registration Officer of the constituency in which he desires to be registered so as to reach him not later than the ..... day of ..... 195 .

....(Place)

Dated.....

Chief Electoral Officer

.....State.

NOTE.—Copies of Form IV will be supplied free by the Chief Electoral Officer or the Electoral Registration Officer of the constituency concerned on application.

The Representation of the People Act, 1950.

Section 20.—(7) For the purpose of the electoral rolls first prepared under this Act, a person who is a citizen of India and has migrated from the territory of Pakistan into the territory of India before the 25th day of July, 1949, on account of disturbances or fear of disturbances in his former place of residence shall be deemed to have been ordinarily resident during any period or on any date in the constituency in which he was resident on the said day or, if any other constituency is specified by him in this behalf in the prescribed form and manner, in that other constituency.

FORM IV

880

STATEMENT BY A PERSON WHO IS A CITIZEN OF INDIA AND HAS MIGRATED FROM THE TERRITORY OF PAKISTAN INTO THE TERRITORY OF INDIA BEFORE THE 25TH JULY, 1949, ON ACCOUNT OF DISTURBANCES OR FEAR OF DISTURBANCES IN HIS FORMER PLACE OF RESIDENCE, SPECIFYING THE CONSTITUENCY IN WHICH HE SHOULD BE DEEMED TO BE ORDINARILY RESIDENT FOR THE PURPOSE OF REGISTRATION IN THE ELECTORAL ROLL FOR THAT CONSTITUENCY.

(Rules 5 and 11)

I* ..... son of / wife of/daughter of ..... declare that I am a citizen of India under clause (a) and sub-clause (i)/sub-clause (ii) of clause (b) of article 6 of the Constitution, ((that I was not less than 21 years of age on the 1st day of March, 1950)) and that I have migrated from the territory of Pakistan into the territory of India on‡ ..... on account of disturbances or fear of disturbances in my former place of residence at ..... [I submit herewith original/certified copy of the citizenship certificate granted to me under sub-clause (ii) of clause (b) of article 6 of the Constitution.]

My name has not been included in the electoral roll for any Parliamentary constituency/Assembly constituency/Council constituency in the State of..... / been included in the electoral roll for Parliamentary constituency/.....Assembly constituency/.....Council constituency in the State of.....

((I am at present residing in ..... and I may be deemed to be ordinarily resident in† ..... in ..... Parliamentary constituency/ ..... Assembly constituency during the qualifying period, that is, from the 1st day of April, 1947, to 31st day of December, 1949, for the purpose of my registration in the electoral roll for that constituency.))

[(I am at present residing in ..... and I may be deemed to be ordinarily resident in ..... in ..... Council constituency on the qualifying date, that is, first day of April, 1950, for the purpose of my registration in the electoral roll for that constituency.)]

[I have applied separately to the Electoral Registration Officer of ..... Parliamentary constituency/..... Assembly constituency/..... Council constituency for the exclusion of my name from the electoral roll for that constituency.]

DECLARATION

The above particulars are true and correct in all respects.

..... (Place)

Dated..... Signature in full.

((Not for Council constituencies.))
[(For Council constituencies only.)]
[Strike off if not necessary.]
* Here insert the full name.
‡ Here insert the date.
† Here insert name of place.

NOTE.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I.P.C.

Articles 6 and 7 of the Constitution. 881

Rights of citizenship of certain persons who have migrated to India from Pakistan.

6. Notwithstanding anything in article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution if—

(*a*) he or either of his parents or any of his grand-parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and

(*b*) (i) in the case where such person has so migrated before the nineteenth day of July, 1948, he has been ordinarily resident in the territory of India since the date of his migration, or

(ii) in the case where such person has so migrated on or after the nineteenth day of July, 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefor to such officer before the commencement of this Constitution in the form and manner prescribed by that Government :

Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

Rights of citizenship of certain migrants to Pakistan.

7. Notwithstanding anything in articles 5 and 6, a person who has after the first day of March, 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India :

Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purposes of clause (*b*) of article 6 be deemed to have migrated to the territory of India after the nineteenth day of July, 1948.

FORM V

882

NOTICE

(*Rule* 10)

Electoral roll of .....constituency.....
.....Area.

A draft list of electors included in this part of the above-named roll is herewith published for general information. All claims to be included in this roll shall be made in Form VI/VII and all objections to any name entered therein in Form VIII not later than the————————day of———————— 195 .

The Revising Authority to whom such claims and objections are to be preferred is————————(address)————————

Claims and objections shall be addressed to the Revising Authority and shall either be presented to the Revising Authority specified in this notice or to the Electoral Registration Officer [or to ,] or be sent by post to the Revising Authority specified in this notice so as to reach him not later than the———————— day of————————195 .

Place————————

Dated————————

Electoral Registration Officer.

[Strike off if not necessary].

NOTE.—Printed copies of the Forms will be supplied free by the Electoral Registration Officer on application.

FORM VI

883

Claim for inclusion in the electoral roll for a Parliamentary/Assembly Constituency

(*Rule* 10)

Parliamentary constituency*

Assembly constituency

Claim for inclusion in electoral roll of †————————————

son/wife/daughter of————————————

resident at No.———— Street————

Ward No.———— Village/Ward————

Union/Municipality ————————————

Post Office————Police Station————

Sub-Division ———— District————

The claimant is a citizen of India and was not less than 21 years of age on the 1st day of ————19 , and he has been ordinarily resident at ‡———— in the aforesaid constituency for not less than 180 days during the qualifying period beginning on the 1st day of————, 19 , and ending on the————, 19 . He has not claimed to be included or has not been included in any electoral roll of any Parliamentary/Assembly constituency with any other address.

[In support of the above statement the claimant submits with this claim the following original/certified copies of documents, *viz.*—

(i)
(ii)
(iii)]

Declaration.

The above particulars are true and correct in all respects.

Signature or thumb impression of claimant————————

**Signature of person signing on behalf of claimant————————

Address of person signing if not the claimant————————

Dated————

* Here insert the name of the constituency.

† Here insert name in full.

‡ Here insert the address.

[Strike off if not necessary].

** If claimant does not sign himself, the person signing on his behalf must in every case file a written authority from the claimant.

NOTE.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I.P.C.

884

FORM VII

Claim for inclusion in the electoral roll for a Council constituency.

(*Rule* 10)

———————————————Legislative Council.

———————————————constituency

Claim for inclusion in the electoral roll of*———————————————
son/wife/daughter of———————Resident at No.———————
Street——————— Ward No.———————
Village/Ward ——————— Union/Municipality ———————
Post Office——————— Police Station ———————
Sub-Division——————— District ———————

The claimant is a citizen of India. He was a member of †———————
——————— on the 1st April, 195 /He has been a graduate of———————
———————University/‡——————— since——————— /He has been engaged in teaching for a total period of——————— years beginning on——————— and ending on ——————— in §———————

He was ordinarily resident in @———————————————
on the 1st April 19 . He has not claimed to be included or has not been included in any electroal roll of any $\frac{\text{local authoritys'}}{\text{Graduates'}}$ constituency with any other address.

In support of the above the claimant submits with this claim the following original/certified copies of documents, *viz.*,—

(i)
(ii)
(iii)

Declaration.

The above particulars are true and correct in all respects.

Signature or thumb impression of the claimant———————————
**Signature of person signing on behalf of the claimant———————————
Address of person signing if not the claimant———————————

Dated———————

---

* Here insert name in full.

† Here insert the name of the local authority.

‡ Here insert the qualification equivalent to that of a graduate of a University in India specified by the State Government.

§ Here insert the name of the educational institution.

@ Here insert the address in the case of a graduates' or teachers' constituency.

** If claimant does not sign himself, the person signing on his behalf must in every case file a written authority from the claimant.

NOTE.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to, be punished under section 199 and/or 182 I.P.C.

FORM VIII 885

Objection to Registration of electors.

(*Rule* 10)

.....constituency.

I hereby give you notice that I object to the entry of*.....
on the electoral roll of.....
as serial No. ..... in the roll for .....
Union/Ward of ..... Police Station.....
Sub-Division/Municipality ..... in District .....

The grounds of my objection are .....
.....
in respect of which I submit with this objection the following original/certified copies of document,*viz.*, ...
.....

Declaration.

I declare the statements made in this objection to be true to my knowledge and belief.

Signature or thumb impression of the objector .....
Entered on the electoral roll of .....
constituency as serial No. ..... in the roll for .....
..... Union/Ward of ..... Sub-Division/Municipality in ..... District.

Dated.....

Present address.....

---

* Here insert the name as it appears in the electoral roll.

NOTE.—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under section 199 and/or 182 I.P.C.

FORM IX

NOTICE

(*Rule* 14)

To .....

..... of 886

You are hereby informed that your claim/objection in respect of the electoral roll of the ..... constituency of the ..... will be heard at ..... (place) at ..... o'clock on the .....day of ....., and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Dated.....

Place.....

Revising Authority.

Certified that this notice has been duly served by me this .... day of ..... on* .....

..... personally.

..... by registered post.

by affixation on residence.

Signature of Revising Authority.

Dated.....

Place.....

* Here insert the name of the person on whom the notice was served.

FORM X

NOTICE

(*Rule* 15)

887

To .....

..... of .....

Whereas objection has been made by ..... of ..... to the inclusion of your name in the electoral roll of the ..... constituency of the ..... on the ground that ..... you are hereby informed that the said objection will be heard at ..... at ..... o'clock on the ..... day of ..... and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Dated.....

Place.....

Revising Authority.

Certified that this notice has been duly served by me this .....

day ..... on* ..... personally / by registered post / by affixation on residence.

Signature of Revising Authority.

Dated.....

Place.....

(No. F. 8 (4) /50-C.)

K. V. K. SUNDARAM,
Secretary.

* Here insert the name of the person on whom the notice was served.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

NOTIFICATION.

No. L.D. 1256—Legis. 6-50-24, dated Bangalore, the 8th August 1950.

Ordered that the accompanying Presidential Order made under Para 12 of the Provisional State Legislatures (Casual Vacancies) Order, 1950, published in the *Gazette of India*, Part II, Section 3, dated the 22nd July 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

New Delhi, the 14th July 1950.

S.R.O. 268. WHEREAS a difficulty has arisen in the application of the electoral law of the State of Mysore to the filling of casual vacancies and incidental matters;

NOW, THEREFORE, in exercise of the powers conferred by paragraph 12 of the Provisional State Legislatures (Casual Vacancies) Order, 1950, and all other powers enabling him in this behalf, the President is pleased to direct that the Mysore Legislative Assembly Election Rules shall have effect subject to the modification that the references in Rules 21 and 35 and the First Schedule to the Bangalore District (Rural) and the Bangalore Districts (Urban and Rural) shall be construed as references to the amalgamated Bangalore District.

(No. F. 54—50-C.)

K. V. K. SUNDARAM,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.

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PART IV

Section 2-B

NOTIFICATIONS, RULES AND ORDERS ISSUED UNDER MYSORE ACTS AND ORDINANCES.

NOTIFICATIONS.

No. R. 5318—L.S. 115-47-5, dated Bangalore, the 7th August 1950.

In exercise of the powers conferred by Section 17 of the Mysore Land Record of Rights Act, 1927 (Mysore Act X of 1927), His Highness the Maharaja of Mysore is pleased to direct that the following further amendment shall be made to the rules under the Record of Rights Act, the draft of the amendment having been previously published in the *Mysore Gazette*, dated 11th May 1950 in Notification No. R. 1417—L.S. 115-47-4, dated 2nd May 1950 as required by sub-section (3) of the said Section, namely :—

Amendment.

For the second para in rule 38 A of the Rules under the Record of Rights Act, the following para shall be substituted :—

" No fee shall be charged—

(i) in the case of grant of lands on darkhast to private individuals ;

(ii) in the case of purchase of lands in sales held for arrears of of land revenue ;

(iii) in respect of lands resumed to Government for arrears of land revenue and subsequently restored to the khatedars on payment of the arrears due thereon ; and

(iv) for recording lease rights in respect of lands belonging to Mujrai Institutions ".

By Order of His Highness the Maharaja.

T. RANGAMALLIAH,
Secretary to Government,
Revenue Department.

No. C. 597—Co. 24-49-13, dated Bangalore, 1st August 1950.

In exercise of the powers conferred by sub-clause (1) of clause 6 of the Mysore Cotton Textiles (Export Control) Order, 1949, His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Notification No. C. 456—Co. 24-49-3, dated 11th October 1949, namely :—

In paragraph 6 of the said notification after item (s) the following items shall be added namely :—

" (t) Tarpaulins made of Cotton Jute Union Cloth.

(u) Cloth and yarn sold by the Government of India for export outside India and duly stamped with the markings prescribed in item (b) of sub-paragraph (1) of paragraph 2 of the Textile Commissioner's Notification No. 9 (9)-Tex. 1/49, dated the 31st May 1950".

By Order of His Highness the Maharaja,

No. C. 599—Co. 2-48-14, dated Bangalore, 1st August 1950.

In exercise of the powers conferred by sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore and continued by the Supplies, Services and Miscellaneous Provisions (Temporary Powers) Act, 1947 (Act XX of 1947), His Highness the Maharaja is pleased to direct that the following further amendment shall be made in the Mysore Cotton Textiles (Control) Order, 1948, namely :—

In the said Order in clause 20-B, the following sub-clause shall be added, namely :—

" (iii) No producer shall produce any yarn from a mixture of Indian Cotton with foreign cotton".

Explanation.—" Indian Cotton " and " Foreign Cotton " respectively shall have the meanings assigned to them under the Cotton Control Order, 1949 ; but " Foreign Cotton " for the purposes of sub-clause (iii) does not include cotton grown in Pakistan.

By Order of His Highness the Maharaja,

No. C. 617—Co. 23-50-2, dated Bangalore, 7th August 1950.

In exercise of the powers conferred by clause (c) of sub-section (1) of Section 3 of the Hoarding and Profiteering Prevention Act, 1948 (Mysore Act No. LX of 1948), His Highness the Maharaja of Mysore is pleased to fix as follows the maximum prices which may be charged by a dealer in respect of infant and invalid foods which are distributed by Messrs. Parry & Co. and Messrs. Glaxo Laboratories (India), Ltd.

Distributor's name		Description	Max. Retail price			
			Rs.	A.	P.	
Messrs. Parry & Co.	1.	Horlicks 2 size ...	3	8	0	per bottle
	2.	Gluco vita-Glucose D. 1 lb. tins.	2	6	5	per tin
		Gluco vita-Glucose D. 1/4 lb. tins.	0	14	0	Do
	3.	Dextrosol 1 lb. tins.	2	6	5	Do
		Do 1/4 lb. tins.	0	14	0	Do
Messrs. Glaxo Laboratories (India), Ltd.	4.	Glaxo 1 lb. tins ...	3	12	0	Do
		Do 2 lbs. tins ...	7	1	9	Do
	5.	Ostermilk 1 lb. tins.	3	13	3	Do
		Ostermilk 2 lb. tins.	7	3	0	Do
	6.	Glaxose–D Containers of ½ lb.	1	6	6	per container.
		Glaxose-D Containers of 1 lb.	2	6	9	Do

By Order of His Highness the Maharaja,

A. S. KHALEEL,

Secretary to Government,
Food and Agriculture Departments.

No. Fl. 4250—S.T. 8-50-5, dated Bangalore, 2nd August 1950.

In exercise of the powers conferred by section 25 of the Mysore Sales Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Sales Tax Rules, 1948, the draft amendments having been previously published in the

Mysore Gazette dated the 25th May 1950 as required by sub-section (4) of the said section,

Amendments.

In the Mysore Sales Tax Rules, 1948,—

(1) For clause (*k*) of rule 3, the following clause shall be substituted :—

"(*k*) "Quarter" means a quarter ending on the 30th June, 30th September, 31st December or 31st March."

(2) In Rule 6—

(i) in sub-rule (1)—For the figure and words "30th day of June" the figure and words "31st day of March" shall be substituted;

(ii) in sub-rule (3)—for the figure and words "31st July" the figure and words "30th day of April" shall be substituted;

(iii) in sub-rule (4)—For the figure and words "30th day of June" the figure and words "31st day of March" shall be substituted;

(iv) in sub-rule (10)—For the word "August" and the figure and word "30th June" the word "May" and the figure and word "31st March" shall, respectively, be substituted; and

(v) in sub-rule (11)—for the word "September" the word "June" shall be substituted.

(3) In Rule 11—

(i) in sub-rule (6)—For the word "August" the word "May" shall be substituted; and

(ii) in clause (ii) of sub-rule (7)—For the figure and word "31st July" the figure and word "30th April" shall be substituted.

(4) In Rule 17—

(i) in sub-rule (1)—for the word "August" wherever it occurs, the word "May" shall be substituted; and

(ii) in sub-rule (4)—For the word "August" wherever it occurs the word "May" shall be substituted.

(5) In sub-rule (1) of Rule 20—For the word "July" the word "April" shall be substituted.

By Order of His Highness the Maharaja,

No. Fl. 4254—S.T. 8-50-6, dated Bangalore, 2nd August 1950.

In exercise of the powers conferred by section 25 of the Mysore Sales Tax Act, 1948 (Mysore Act No. XLVI of 1948), His Highness the Maharaja of Mysore is pleased to direct that the following further amendments shall be made in the Mysore Sales Tax Rules, 1948, the draft amendments having been previously published in the

Mysore Gazette dated the 15th June 1950 as required by sub-section (4) of the said section.

Amendments.

In the Mysore Sales Tax Rules, 1948,—

1. To Rule 5, the following provisos shall be added, namely :—

" Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st day of March 1950 a licensee's liability to pay any final fee for that year shall be fixed on the average of the turnover for a full year of twelve months based on the actual turnover for the nine months in that year but the fee payable shall be on the actual turnover for nine months at the rate applicable to the turnover for a full year of 12 months fixed as above.

Illustrations :—

(*a*) " A " is a licensee with a turnover of less than Rs. 7,500 for nine months in the year 1949-50. His pro-rata turnover for twelve months will not exceed Rs. 10,000. Hence, he will not be liable to pay any final license fee for that year.

(*b*) " A " is a cotton dealer with a turnover of Rs. 7,500 for nine months in 1949-50. The pro-rata turnover for twelve months will be Rs. 10,000. The amount of fee payable by " A " for 1949-50 will be Rs. 75×7,500/10,000 or Rs. 56—4—0. But the renewal fee for 1950-51 will Rs. 75.

(*c*) If in the above case, " A " has a turnover of Rs. 18,000 for nine months in 1949-50, his liability to pay final fee is to be fixed on a turnover of Rs. 24,000, and the fee payable by him for that year will be three-fourths of 150 or Rs. 112—8—0. The renewal fee for 1950-51 will be Rs. 150.

(*d*) Again, in the above case, if " A " has a turn over of Rs. 78,000 for nine months in 1949-50, his liability to pay final fee for that year will be at the rate applicable to a turnover of Rs. 1,04,000. The fee payable by him for that year will be three-fourths of 250 or Rs. 187-8-0. The renewal fee for 1950-51 will be Rs. 250.

(*e*) Further again, in the above case, if the turnover of " A " for nine months in 1949-50 is Rs. 9,90,000 his liability to pay final fee will be at the rate applicable to the turnover of Rs. 13,20,000. But the fee payable by him for that year will be limited to Rs. 1,000. The renewal fee for 1950-51 will also be Rs. 1,000.

" Provided also that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, a licensee's liability to pay any fee for the grant or renewal of a license shall be fixed pro-rata on the average of the turnover for a full year of twelve months based on the actual turnover for the nine months in the year 1949-50. The fee payable shall be on the turnover for a full year of twelve months fixed as above. "

2. To Rule 13, the following proviso shall be added, namely :—

"Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, a dealer's liability to pay any tax for that year shall be fixed pro-rata on the average of the turnover for a full year of twelve months based on the turnover for final assessment for the year 1949-50 and the tax thus payable shall be recovered in quarterly instalments."

3. To Rule 14, the following proviso shall be added, namely :—

"Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, a dealer's liability to pay any tax for that year shall be fixed pro-rata on the average of the turnover for a full year of twelve months based on the turnover for final assessment for the year 1949-50, the tax thus payable being recovered in quarterly instalments."

4. To Rule 16, the following provisos shall be added, namely :—

"Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, if the notice aforesaid has been issued to the dealer before the date of final publication of these Rules, it shall be deemed to have been lawfully issued and the tax payable for the four quarters shall be deemed to have been lawfully fixed.

Provided also that, if no such notice has been issued to the dealer before the date of final publication of these rules, the assessing authority shall issue a notice to him in form VIII-2 for the four quarters of the year."

5. In Rule 17,

(1) To sub-rule (2), the following proviso shall be added, namely :—

"Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st March 1950, a dealer's liability to pay any final tax for that year shall be fixed pro-rata on the average of the turnover for the year of twelve months based on the actual turnover for the nine months in that year but the tax payable shall be on the actual turnover for nine months in that year."

(2) To sub-rule (3) the following proviso shall be added, namely :—

"Provided that in respect of the year 1949-50 commencing on the 1st day of July 1949 and ending with the 31st March 1950 a dealer's liability to pay any final tax for that year shall be fixed pro-rata on the average of the turnover for a full year of twelve months based on the actual turnover for the nine months in the year 1949-50 but the tax payable shall be on the actual turnover for nine months in that year."

(3) After the proviso to clause (*a*) of sub-rule (4), the following proviso shall be added, namely :—

"Provided also that in respect of the year 1950-51 the assessing authority shall make provisional assessment for the four quarters of the year and for this purpose the dealer's liability to pay any tax shall be fixed on the average of the turnover for a full year based on the turnover for final assessment for the year 1949-50."

(4) After the third proviso to sub-rule (4), the following provisos shall be added, namely :—

"(iv) Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, if the notice aforesaid has been issued to the dealer before the date of final publication of these Rules, it shall be deemed to have been lawfully issued and the tax payable for the four quarters shall be deemed to have been lawfully fixed.

"(v) Provided also that if no such notice has been issued to the dealer before the date of final publication of these rules, the assessing authority shall issue a notice to him in form VIII-2 for the four quarters of the year.

"(vi) Provided further that in respect of the year beginning on the 1st day of April 1951, he shall continue to pay tax as in the last quarter of the preceding year."

By Order of His Highness the Maharaja,

M. SHAMANNA,
Secretary to Government,
Finance Department.

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(3) After the proviso to clause (*a*) of sub-rule (4), the following proviso shall be added, namely :—

"Provided also that in respect of the year 1950-51 the assessing authority shall make provisional assessment for the four quarters of the year and for this purpose the dealer's liability to pay any tax shall be fixed on the average of the turnover for a full year based on the turnover for final assessment for the year 1949-50."

(4) After the third proviso to sub-rule (4), the following provisos shall be added, namely :—

"(iv) Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, if the notice aforesaid has been issued to the dealer before the date of final publication of these Rules, it shall be deemed to have been lawfully issued and the tax payable for the four quarters shall be deemed to have been lawfully fixed.

"(v) Provided also that if no such notice has been issued to the dealer before the date of final publication of these rules, the assessing authority shall issue a notice to him in form VIII-2 for the four quarters of the year.

"(vi) Provided further that in respect of the year beginning on the 1st day of April 1951, he shall continue to pay tax as in the last quarter of the preceding year."

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(3) After the proviso to clause (*a*) of sub-rule (4), the following proviso shall be added, namely :—

"Provided also that in respect of the year 1950-51 the assessing authority shall make provisional assessment for the four quarters of the year and for this purpose the dealer's liability to pay any tax shall be fixed on the average of the turnover for a full year based on the turnover for final assessment for the year 1949-50."

(4) After the third proviso to sub-rule (4), the following provisos shall be added, namely :—

"(iv) Provided that in respect of the year 1950-51 commencing on the 1st day of April 1950 and ending with the 31st day of March 1951, if the notice aforesaid has been issued to the dealer before the date of final publication of these Rules, it shall be deemed to have been lawfully issued and the tax payable for the four quarters shall be deemed to have been lawfully fixed.

"(v) Provided also that if no such notice has been issued to the dealer before the date of final publication of these rules, the assessing authority shall issue a notice to him in form VIII-2 for the four quarters of the year.

"(vi) Provided further that in respect of the year beginning on the 1st day of April 1951, he shall continue to pay tax as in the last quarter of the preceding year."

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